

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS ADOPTING CRITERIA THAT WILL BE USED IN THE REDISTRICTING 2011 PROCESS WHERE THE CITY COUNCIL WILL ADOPT A REDISTRICTING PLAN FOR CITY COUNCIL MEMBER DISTRICTS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under federal and state law, including but not limited to, Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006) and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

WHEREAS, the City Council and Mayor have certain responsibilities for redistricting under the City Charter; and

WHEREAS, on review of the 2010 Census data, it appears that a population imbalance exists requiring redistricting of the City Council member Districts; and

WHEREAS, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, a set of established redistricting criteria will serve as a framework to guide the City in the consideration of districting plans; and

WHEREAS, established criteria will provide the City a means by which to evaluate and measure proposed plans; and

WHEREAS, redistricting criteria will assist the City in its efforts to comply with all applicable federal and state laws.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

A. THAT the City of Midland, Texas, in its adoption of a redistricting plan for City Council member Districts, will adhere to the following criteria:

1. Where possible, easily identifiable geographic boundaries should be followed.

2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
3. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.
4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.
5. Districts must be configured so that they are relatively equal in total population according to the 2010 federal census. In no event should the total deviation between the largest and the smallest district exceed ten percent.
6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under section 2 of the Voting Rights Act, 42 U.S.C. § 1973c.

B. The governmental body will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.

- C. Any plan submitted to the governmental body by a citizen for its consideration should be a complete plan—*i.e.*, it should show the full number of council member districts and should redistrict the entire City. The governmental body may decline to consider any plan that is not a complete plan.
- D. All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the governmental body should conform to these criteria.

This resolution shall be effective upon passage.

On motion of Council member _____, seconded by Council member _____, the above and foregoing resolution was adopted by the City Council of the City of Midland at a regular meeting on the ____ day of _____, A.D., 2011, by the following vote:

Council members voting **AAYE@**:

Council members voting **ANAY@**:

W. Wesley Perry, Mayor

ATTEST:

Amy M. Turner, City Secretary

RECOMMENDED AND APPROVED:

Courtney Sharp, City Manager

APPROVED AS TO FORM:

Keith Stretcher, City Attorney